

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

July 26, 2005

Purpose: To prohibit the sale of Social Security numbers except under certain circumstances.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—109TH Cong., 1ST Sess.**

S. 1408, 109TH Congress, 1ST Session

JULY 28, 2005

INTENDED to be proposed by Mr. DORGAN (to the substitute amendment proposed by Mr. ———)

Viz:

1 On page 27, between lines 5 and 6, insert the fol-
2 lowing:

3 (d) PROHIBITION OF SALE, PURCHASE, AND DIS-
4 PLAY OF SOCIAL SECURITY NUMBERS TO THE GENERAL
5 PUBLIC.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), it shall be unlawful for any person to—

8 (A) sell or purchase a social security ac-
9 count number or display to the general public
10 a social security account number, or

11 (B) obtain or use any individual's social se-
12 curity account number for the purpose of locat-

1 ing or identifying such individual with the in-
2 tent to physically injure or harm such indi-
3 vidual or using the identity of such individual
4 for any illegal purpose.

5 (2) EXCEPTIONS.—Notwithstanding paragraph
6 (1), and subject to paragraph (3), a social security
7 account number may be sold or purchased by any
8 person to the extent provided in this subsection (and
9 for no other purpose)—

10 (A) to the extent necessary for national se-
11 curity purposes;

12 (B) to the extent necessary for public
13 health purposes;

14 (C) to the extent necessary in emergency
15 situations to protect the health or safety of 1
16 or more individuals;

17 (D) to the extent that the sale or purchase
18 is required to comply with a tax law of the
19 United States or of any State (or political sub-
20 division thereof);

21 (E) to the extent that the sale or purchase
22 is to or by a consumer reporting agency (as de-
23 fined in section 603(f) of the Fair Credit Re-
24 porting Act (15 U.S.C. 1681a(f))) for use or
25 disclosure solely for permissible purposes de-

1 scribed in section 604(a) of such Act (15
2 U.S.C. 1681b(a)); and

3 (F) to the extent necessary for research
4 (other than market research) conducted by an
5 agency or instrumentality of the United States
6 or of a State or political subdivision thereof (or
7 an agent of such an agency or instrumentality)
8 for the purpose of advancing the public good,
9 on the condition that the researcher provides
10 adequate assurances that—

11 (i) the social security account num-
12 bers will not be used to harass, target, or
13 publicly reveal information concerning any
14 identifiable individuals;

15 (ii) information about identifiable in-
16 dividuals obtained from the research will
17 not be used to make decisions that directly
18 affect the rights, benefits, or privileges of
19 specific individuals; and

20 (iii) the researcher has in place appro-
21 priate safeguards to protect the privacy
22 and confidentiality of any information
23 about identifiable individuals, including
24 procedures to ensure that the social secu-
25 rity account numbers will be encrypted or

1 otherwise appropriately secured from unau-
2 thorized disclosure.

3 (3) CONSENSUAL SALE.—Notwithstanding
4 paragraph (1), a social security account number as-
5 signed to an individual may be sold, purchased, or
6 displayed to the general public by any person to the
7 extent consistent with such individual's voluntary
8 and affirmative written consent to the sale, pur-
9 chase, or display of the social security account num-
10 ber, but only if—

11 (A) the terms of the consent and the right
12 to refuse consent are presented to the individual
13 in a clear, conspicuous, and understandable
14 manner;

15 (B) the individual is placed under no obli-
16 gation to provide consent to any such sale, pur-
17 chase, or display; and

18 (C) the terms of the consent authorize the
19 individual to limit the sale, purchase, or display
20 to purposes directly associated with the trans-
21 action with respect to which the consent is
22 sought.

23 (4) REGULATIONS.—Within 1 year after the
24 date of enactment of this Act the Commission shall
25 promulgate regulations under this subsection after

1 consultation with the Attorney General, the Commis-
2 sioner of Social Security, the Secretary of Homeland
3 Security, State attorneys general, and such other
4 governmental agencies and instrumentalities as the
5 Attorney General considers appropriate.

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